

IC 33-33-10

Chapter 10. Clark County

IC 33-33-10-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-2

Judicial circuit; magistrate

Sec. 2. (a) Clark County constitutes the fourth judicial circuit.

(b) The judges of the Clark circuit court and Clark superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judges of the Clark circuit and superior courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-3

Establishment of superior courts; qualifications of judges

Sec. 3. (a) There are established three (3) superior courts in Clark County, each of which consists of one (1) judge, who shall hold the judge's office for a term of six (6) years, beginning on the first day of January after the judge's election, and until the judge's successor is elected and qualified.

(b) To be eligible to hold office as a judge of Clark superior court, a person must be:

- (1) a resident of Clark County; and
- (2) admitted to the bar of Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-4

Names; jurisdiction; judicial powers; seal

Sec. 4. (a) The superior courts shall be known as Clark superior court No. 1, Clark superior court No. 2, and Clark superior court No. 3, and the county of Clark shall constitute the judicial district of each court.

(b) Each superior court shall be a court of record having the same jurisdiction as the circuit court. A judge of the superior court has the same powers relating to the conduct of business of the court as the judge of the circuit court.

(c) Each court shall have a seal containing the words "Clark Superior Court _____ (insert "No. 1", "No. 2", or "No. 3") of Clark County, Indiana".

(d) Clark superior court No. 3 has a standard small claims and misdemeanor docket.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-5

Rules

Sec. 5. Each judge of a superior court may make and adopt rules and regulations for conducting the business of the judge's court, not repugnant to Indiana law.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-6

Judicial powers

Sec. 6. Each judge of a superior court has the same power to grant restraining orders and injunctions, to issue writs of habeas corpus and of mandate and prohibition, to appoint receivers, master commissioners to convey real property, and to grant commissions for the examination of witnesses, and to appoint other officers necessary to facilitate and transact the business of the court as is conferred on circuit courts or the judges of circuit courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-7

Location of court sessions

Sec. 7. Each superior court of Clark County shall hold its sessions at the courthouse of the county, or at other convenient places as the court designates in the county. The county commissioners shall provide suitable quarters for each court.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-8

Books, papers, and records of courts

Sec. 8. The clerk, under the direction of a judge of the superior court, shall provide order books, judgment dockets, execution dockets, fee books, and such other books, papers and records as are necessary for that court, and all books, papers, and proceedings of that court shall be kept distinct and separate from those of other courts, and the records of all civil cases separate and apart from the records of juvenile matters.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-9

Bailiff

Sec. 9. Each judge of a superior court shall appoint a bailiff for the court, whose salary shall be fixed and paid as provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-10

Court reporter

Sec. 10. Each judge of a superior court shall appoint a court reporter, whose duties, salary, and term, shall be regulated in the same manner as the court reporter of circuit courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-11

Law governing practice and procedure

Sec. 11. All laws governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointment of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court are applicable to and govern the courts established under this chapter. However, a superior court may not appoint jury commissioners or call the grand jury.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-12

Process of court

Sec. 12. The process of each superior court must have the seal affixed and be attested, directed, served, and returned, and be in form as is provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-13

Change of venue; transfer of case

Sec. 13. When an affidavit for a change of venue is filed in a superior court for any of the causes described in IC 34-35-1-1(1), IC 34-35-1-1(2), IC 34-35-1-1(6), or IC 34-35-1-1(7):

(1) a judge of a circuit court or superior court or a competent attorney shall be called to hear and determine the cause as provided by law for changes of venue in causes pending in the circuit court; or

(2) the cause may be certified to the Clark circuit court or a Clark superior court, in the discretion of the judge of the superior court. The original papers shall be transferred to the court. A transcript is not necessary. The circuit court has jurisdiction to hear and determine the cause and render judgment.

If the cause alleged in the affidavit is embraced in IC 34-35-1-1(3), IC 34-35-1-1(4), and IC 34-35-1-1(5), the change shall be granted, and the cause directed to the circuit or superior court of another county, as provided in cases of changes of venue from the circuit court, and the court to which the case is sent has jurisdiction to hear and determine the cause and render judgment.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-14

Juries

Sec. 14. On the third Monday of each January, the clerk of each superior court and jury commissioners appointed by the judge of the circuit court shall select a petit jury, in the manner provided by law, to serve each superior court for that calendar year. The officers in selecting, the clerk in issuing process for the jury, and the sheriff in serving the process shall be governed by the rules and regulations prescribed for the selection of petit jurors in the circuit court. However, a superior court may order on what day the jurors shall be

summoned to attend that court. The judge of a superior court may order the selecting and summoning of other jurors for the court whenever the same may be necessary.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-15

Transfer of actions; judge of one court sitting in another

Sec. 15. (a) The judge of the Clark circuit court may, with the consent of a judge of the superior court, transfer any action or proceeding from the circuit court to that superior court. The judge of a superior court may, with the consent of the judge of the circuit court, transfer any action or proceeding from that superior court to the circuit court. The judge of a superior court may, with the consent of the judge of the other superior court, transfer any action or proceeding from that superior court to the other superior court.

(b) The judge of the Clark circuit court may, with the consent of the judge of the superior court, sit as a judge of that superior court in any matter, as if the judge were an elected judge of that superior court. The judge of a superior court may, with consent of the judge of the circuit court, sit as a judge of the circuit court as if the judge were an elected judge of the circuit court. The judge of a superior court may, with the consent of the judge of the other superior court, sit as judge of the other superior court as if the judge were the elected judge of that superior court.

As added by P.L.98-2004, SEC.12.